

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**LAWRENCE H. GRESS, on behalf of  
himself and others similarly situated,**

**Plaintiff,**

**v.**

**COMMONWEALTH EDISON COMPANY,  
an Illinois corporation; JOHN DOES 1-100,**

**Defendants.**

**Case No. 1:20-cv-04405**

**Hon. Jorge L. Alonso**

**AGREED MOTION FOR EXTENSION OF TIME TO ANSWER, MOVE OR  
OTHERWISE PLEAD IN RESPONSE TO COMPLAINT**

Defendant Commonwealth Edison Company (“ComEd”), by and through its attorneys, moves for an extension of time to answer, move or otherwise plead in response to plaintiff’s Class Action Complaint (the “Amended Complaint”) filed on July 28, 2020 (Dkt. 1) to either (i) thirty days after plaintiffs in this action along with plaintiffs in other related actions pending in this district have filed a consolidated amended complaint or (ii) the due date for a response in certain other related actions pending in this district, whichever date is earlier. Counsel for plaintiff has confirmed they agree to the requested extension. In support of the agreed motion, counsel for ComEd states as follows:

1. Plaintiff filed the Complaint in this action on August 3, 2020. (Dkt. 1.) On August 5, 2020, counsel for ComEd executed a Waiver of the Service of Summons, which required ComEd to file and serve an answer or a motion under Rule 12 within 60 days of August 3, 2020 (*i.e.*, October 1, 2020). (Dkt. 6.)

2. An extension of time for ComEd to respond to the Complaint is warranted because of pending motions to reassign other related cases pending in this district to this Court.

Specifically, this case is one of four separate but related cases in which various plaintiffs have filed complaints against, among others, ComEd and Exelon: (i) this action, *Gress et al. v. ComEd et al.*, 20 CV 04405; (ii) *Brooks et al. v. ComEd et al.*, 20 CV 04555 (Judge Sharon Johnson Coleman); (iii) *Potter et al. v. ComEd et al.*, 20 CV 04675 (Judge Sara L. Ellis) and (iv) *South Branch et al. v. ComEd et al.*, 20 CV 04980 (Judge Pacold). Plaintiff in this case has filed motions asking the Court to deem the *Brooks* case (20 CV 04455) and the *Potter* case (20 CV 04675) related to this case and to have them reassigned to this Court. (Dkt. 20 and 22.) As for the fourth-filed case, *South Branch* (20 CV 04980), ComEd and Exelon filed a motion in this case asking this Court to also deem *South Branch* related to *Gress* and to be reassigned to this Court.

3. In addition to the motions to reassign which are pending before this Court, plaintiffs in *Gress* (this action) and *Brooks* have filed a motion with this Court asking the Court to appoint co-lead interim class counsel. (Dkt. 32.) The *Gress* and *Brooks* plaintiffs also have asked this Court to set a schedule that contemplates class plaintiffs filing a consolidated class action complaint thirty days after the Court has appointed interim class counsel, and that defendants should have thirty days after the filing of that consolidated amended complaint to answer, move or otherwise plead.

4. In light of that proposed schedule and the possibility of a schedule being set regarding the filing of a consolidated amended complaint, ComEd requests that this Court extend the time for ComEd to respond to the Complaint from October 1, 2020, until thirty days after the filing of any consolidated amended complaint, or, if the various cases are either not reassigned or not consolidated, that ComEd should respond no later than the due date for a response in any of the other actions, whichever date is earlier.

5. Counsel for ComEd has conferred with counsel for plaintiff, who have confirmed they are in agreement with this motion.

WHEREFORE, for the reasons stated herein, defendant ComEd requests this Court enter an Order extending the time for ComEd to respond to the Complaint from October 1, 2020, until thirty days after the filing of any consolidated amended complaint, or, if the various cases are either not reassigned or not consolidated, until no later than the due date for a response in any of the other actions, whichever date is earlier.

Dated: September 25, 2020

Respectfully submitted,

Matthew E. Price (*Pro Hac Vice* pending)  
JENNER & BLOCK  
1099 New York Avenue, NW Suite 900  
Washington, DC 20001-4412  
Telephone: (202) 639-6000  
Facsimile: (202) 639-6066

/s/ Terrence J. Truax

Terrence J. Truax  
Gayle E. Littleton  
E. Glenn Rippie  
JENNER & BLOCK LLP  
353 N. Clark Street  
Chicago, IL 60654-3456  
Telephone: (312) 222-9350  
Facsimile: (312) 527-0484

*Counsel for Defendant  
Commonwealth Edison Company*

**CERTIFICATE OF SERVICE**

I, Terrence J. Truax, an attorney, certify that I caused copies of the foregoing **AGREED MOTION FOR EXTENSION OF TIME TO ANSWER, MOVE OR OTHERWISE PLEAD IN RESPONSE TO COMPLAINT** to be served on all counsel of record via the Court's electronic filing system.

/s/ Terrence J. Truax  
*Counsel for Defendant Commonwealth Edison  
Company*